



THE ATTORNEY GENERAL OF TEXAS

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AUSTIN, TEXAS 78711

May 16, 1968

Honorable Jerry Sadler
Commissioner, General Land
Office
General Land Office Bldg.
Austin, Texas 78701

Opinion No. M-235

Re: Payment of expenses incurred in the delivery of Veterans' Land Bonds to out-of-state banks.

Dear Mr. Sadler:

Your request For an opinion reads as follows:

"The constitutional amendment approved by the voters last November 11, 1967, authorized the extension of the Veterans' Land Program by permitting the sale of \$200 million in Veterans' Land Bonds. The first \$30 million of Veterans' Land Bonds was sold the latter part of December, 1967, with delivery being made on January 25, 1968 in New York City.

"It has been necessary, and will be necessary, for representatives of the Comptroller, Attorney General and other State Departments to be present during the signing and physical delivery of the bonds in New York City.

"During the first delivery of bonds, the expenses paid out of the Veterans' Land Fund was based on the current Appropriations Bill which authorized \$17.00 per day, plus actual travel expenses to State employees other than State officials. The above restriction has caused several State employees personal monetary loss. In view of the language in the recent constitution which provides that all necessary

expense in the sale and delivery of bonds can be paid out of the proceeds from the sale of bonds, we would appreciate your office furnishing us with a formal opinion advising us whether under the above referred to constitutional amendment we are permitted to pay actual expenses to all employees and officials of the State of Texas necessary in the delivery of bonds to out of State banks.

"We would also like to know if we would be permitted to pay all expenses, including cab fares, without the necessity of receiving receipts showing the amount expended by the employees and officials."

Section 9(A) of Article 542lm, Vernon's Civil Statutes, provides in part:

"The Board is hereby authorized to use the moneys of the Veterans' Land Fund attributable to any bonds hereafter issued and sold for the purpose of paying legal fees and fees for financial advice necessary in the opinion of the Board to the sale of bonds hereafter issued and sold; the expense of publishing notice of sale of any installment of such bonds; the expense of printing such bonds; and the expenses of delivering such bonds, including but not limited to the costs of travel, lodging, and meals of any officers or employees of the Board, the State Comptroller, the State Treasurer, and the Attorney General necessary in the opinion of the Board to effectuate delivery of such bonds, and the cost of manually signing such bonds." (Emphasis added.)

The appropriation to the Veterans' Land Board contained in Senate Bill 15, Acts of the 60th Legislature, Regular Session, (General Appropriation Act), makes the following appropriation:

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"For other than administrative purposes hereinabove appropriated, there is hereby appropriated to the General Land Office, including Veterans' Land Board, from the Veterans' Land Fund as created by Article III, Section 49B of the Constitution, as amended, all amounts necessary to carry out the purposes of this Constitutional provision and Legislative Acts pursuant thereto."

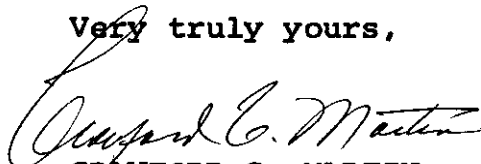
In view of the foregoing appropriation and the language of the pre-existing law supporting such appropriation (Section 9(A) of Article 5421m, you are advised that the Veterans' Land Board, is authorized to pay actual expenses to any officer or employee of the Veterans' Land Board, State Comptroller, State Treasurer and the Attorney General necessary to effectuate delivery of such bonds to out-of-state banks.

In answer to your second question, the Veterans' Land Board may require from the employee such information the Board deems appropriate to determine what constitutes the costs of travel, lodging and meals necessary to effectuate delivery of such bonds, and whether receipts for a particular expense should be required is left to the sound discretion of the Veterans' Land Board.

S U M M A R Y

Pursuant to the provisions of Section 9(A) of Article 5421m, Vernon's Civil Statutes, and the current General Appropriation to the Veterans' Land Board, the Board is authorized to pay the costs of travel, lodging and meals of any officer or employee of the Board, State Comptroller, State Treasurer and the Attorney General necessary in the opinion of the Board to effectuate delivery of bonds to out-of-state banks.

Very truly yours,



CRAWFORD C. MARTIN
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